

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
JULY 11, 2006
MINUTES**

ROLL CALL	A.	<p>The regular meeting of the Common Council was held on July 11, 2006 and called to order at 6:30 p.m. by Acting Mayor Sohns in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Olson, Solomon, Hammelman, Kosovich, Sohns and Skowronski. Mayor Taylor excused. Also present were City Engineer Bennett, Senior Planner Booth, Director of Administration Luberda, City Attorney Wesolowski and Deputy City Clerk Vanden Boom.</p> <p>Council President Sohns stated that he will be chairing the meeting as Acting Mayor and will not be voting as an alderman unless otherwise noted.</p>
CITIZEN COMMENT	B-1.	<p>Citizen comment period was opened at 6:36 p.m. and closed at 6:40 p.m.</p>
AWARD	B-2a.	<p>Acting Mayor Sohns presented a Girl Scout Gold Award to Corrie Jean Rude.</p>
PROCLAMATION	B-2b.	<p>A "School Night to Join Scouting" proclamation was read into the record.</p>
MINUTES- 6/20/06	C-2.	<p>Alderman Skowronski moved to approve minutes of the regular meeting of June 20, 2006 as presented. Seconded by Alderman Hammelman. All voted Aye; motion carried.</p>
GRANTS	E-1.	<p>A letter from Southwest Interfaith Program requesting Community Development Block Grants was noted for the record.</p>
RES. 2006-6120 W. RYAN ROAD SIDEWALKS AND STREET LIGHTS	F-1.	<p>Alderman Solomon moved to adopt Resolution No. 2006-6120, A FINAL RESOLUTION DIRECTING INSTALLATION OF, PAYMENT AND LEVY OF SPECIAL ASSESSMENT FOR INSTALLING SIDEWALKS AND STREET LIGHTS ON W. RYAN ROAD FROM S. 27TH STREET TO A POINT 1200 FEET WEST OF S. 60TH STREET, provided that assessment amounts applicable to the right-of-way as shown on the attached map is deferred indefinitely and until such time as the State may convey the property to an assessable use such as residential, commercial, industrial and the like, and until such time as not just conveyance but if the State converts the use to something other than right-of-way and into an assessable use, meaning a use which receives a special benefit from the improvements. Seconded by Alderman Kosovich. On roll call, Aldermen Solomon, Hammelman, Kosovich, Sohns and Skowronski voted Aye; Alderman Olson voted No. Motion carried.</p> <p>Alderman Solomon moved to allow Diane May to speak regarding the Southwest Interfaith Program. Seconded by Alderman Olson. All voted Aye; motion carried.</p>

W. RYAN ROAD

Alderman Hammelman moved to return to the regular order of business. Seconded by Alderman Skowronski. All voted Aye; motion carried.

RES. 2006-6121
AGREEMENT-
WHEATON
FRANCISCAN
HEALTHCARE

F-2.

Alderman Kosovich moved to adopt Resolution No. 2006-6121, A RESOLUTION ACCEPTING A STORM WATER FACILITIES MAINTENANCE AGREEMENT FOR THE WHEATON FRANCISCAN HEALTHCARE DEVELOPMENT, located at the northwest corner of S. 27th Street and W. Oakwood Road. Seconded by Alderman Olson. All voted Aye; motion carried.

RES. 2006-6122
AGREEMENT-
WHEATON
FRANCISCAN
HEALTHCARE

F-3.

Alderman Kosovich moved to adopt Resolution No. 2006-6122, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN ENGINEERING SERVICE AGREEMENT WITH ARNOLD AND O'SHERIDAN, INC. FOR THE DESIGN OF WHEATON WAY, A ROUND-ABOUT, SERVING THE WHEATON/COVENANT HEALTH CARE FACILITY LOCATED ON THE SOUTHWEST CORNER OF S. 27TH STREET AND W. OAKWOOD ROAD INCLUDING THE EXTENSION OF SANITARY SEWER AND WATER MAIN, located on the southwest corner of S. 27th Street and W. Oakwood Road as amended. Seconded by Alderman Olson. All voted Aye; motion carried.

RES. 2006-6123
FINAL PLAT-
RIVER PARK #1
SUBDIVISION

F-4.

Alderman Hammelman moved to adopt Resolution No. 2006-6123, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR RIVER PARK ADDITION NO. 1 SUBDIVISION (ICON DEVELOPMENT CORPORATION, APPLICANT) (APPROXIMATELY 8322 SOUTH 51ST STREET). Seconded by Alderman Skowronski. All voted Aye; motion carried.

RES. 2006-6124
EASEMENT-
RIVER PARK #1
SUBDIVISION

F-5.

Alderman Solomon moved to adopt Resolution No. 2006-6124, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR RIVER PARK SUBDIVISION (AT APPROXIMATELY 8322 SOUTH 51ST STREET) (RIVER PARK PARTNERS, LLC, APPLICANT). Seconded by Alderman Olson. All voted Aye; motion carried.

RES. 2006-6125
EASEMENTS-
RIVER PARK
SUBDIVISION

F-6.

Alderman Olson moved to adopt Resolution No. 2006-6125, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT STORM SEWER AND GRADING/BUFFER EASEMENTS FOR RIVER PARK SUBDIVISION, approximately 8211 S. 51st Street. Seconded by Alderman Kosovich. All voted Aye; motion carried.

Alderman Olson moved to suspend rules to allow Ted Grintjes to speak regarding Ordinance No. 2006-1881. Seconded by Alderman Hammelman. All voted Aye; motion carried.

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| ORD. 2006-1881
PDD #14
OUTLOOK
DEVELOPMENT,
LLC | F-7. | Alderman Hammelman moved to adopt Ordinance No. 2006-1881, AN ORDINANCE TO AMEND §15-3.0419 OF THE UNIFIED DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT DISTRICT NO. 14 (JEWEL-OSCO/HOME DEPOT) (OUTLOOK DEVELOPMENT, LLC, APPLICANT). Seconded by Alderman Olson. All voted Aye; motion carried. |
| RES. 2006-6126
FINAL PLAT-
HIDDEN OAKS
SUBDIVISION | F-8. | Alderman Kosovich moved to adopt Resolution No. 2006-6126, A RESOLUTION CONDITIONALLY APPROVING A REVISED FINAL PLAT FOR HIDDEN OAKS SUBDIVISION (MLG RE 2002 LLC, APPLICANT) (APPROXIMATELY SOUTH 27TH STREET AND WEST OAKWOOD ROAD). Seconded by Alderman Skowronski. All voted Aye; motion carried. |
| RES. 2006-6127
EASEMENT-
HIDDEN OAKS
SUBDIVISION | F-9. | Alderman Kosovich moved to adopt Resolution No. 2006-6127, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR HIDDEN OAKS SUBDIVISION (AT APPROXIMATELY SOUTH 27TH STREET AND WEST OAKWOOD ROAD) (MLG RE 2002 LLC, APPLICANT). Seconded by Alderman Solomon. All voted Aye; motion carried. |
| RES. 2006-6128
CORRECTION-
FINAL PLAT-
RIVER MEADOWS
SUBDIVISION | F-10. | Alderman Hammelman moved to adopt Resolution No. 2006-6128, A RESOLUTION CONDITIONALLY APPROVING AN AFFIDAVIT OF CORRECTION TO THE FINAL PLAT FOR RIVER MEADOWS SUBDIVISION LOT 18 (DAVID GUDGEON, APPLICANT) (APPROXIMATELY 6854 SOUTH 34TH STREET) as amended. Seconded by Alderman Skowronski. All voted Aye; motion carried. |
| RES. 2006-6129
SPECIAL USE-
FRANKLIN
AUTOMOTIVE | F-11. | Alderman Kosovich moved to adopt Resolution No. 2006-6129, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT APPROXIMATELY 3012 WEST RYAN ROAD (DBI, INC.). Seconded by Alderman Skowronski. All voted Aye; motion carried. |
| RES. 2006-6130
SPECIAL USE-
STAN AND GAYLE
KAY | F-12. | Alderman Kosovich moved to adopt Resolution No. 2006-6130, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT APPROXIMATELY 9550 SOUTH 60 TH STREET (STAN AND GAYLE KAY). Seconded by Alderman Olson. All voted Aye; motion carried. |
| RES. 2006-6131
AGREEMENT-
FOUNTAINS OF
FRANKLIN | F-13. | Alderman Hammelman moved to adopt Resolution No. 2006-6131, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF FOUNTAINS OF FRANKLIN, 5610 W. Rawson Avenue as amended. Seconded by Alderman Kosovich. All voted Aye; motion carried. |

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| RES. 2006-6132
AGREEMENT-
SOUTHEASTERN
PEDIATRIC AND
ADOLESCENT
MEDICINE | F-14. | Alderman Skowronski moved to adopt Resolution No. 2006-6132, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF SOUTHEASTERN PEDIATRIC AND ADOLESCENT MEDICINE FACILITY. Seconded by Alderman Olson. All voted Aye; motion carried. |
| 9710 W. LOOMIS
ROAD | F-15. | Alderman Solomon moved to refer request from John O'Malley regarding use of Department of Transportation access at 9710 W. Loomis Road by abutting O'Malley properties to the City Attorney for determination of the City's role and decision options of the Common Council. Seconded by Alderman Olson.
Alderman Olson withdrew his second and Alderman Solomon withdrew his motion.
It was then moved by Alderman Solomon that the City not take any action on this matter. Seconded by Alderman Skowronski. All voted Aye, motion carried. |
| OAK LEAF TRAIL
PARKING LOTS | F-16. | Alderman Olson moved to approve paving of the Oak Leaf Trail parking lots and refer to Finance Committee for funding source and further that the City Attorney prepare a release for Franklin Department of Public Works to provide maintenance in the winter Seconded by Alderman Kosovich. All voted Aye; motion carried. |
| RES. 2006-6133
AGREEMENT-
WE ENERGIES | F-17. | Alderman Solomon moved to adopt Resolution No. 2006-6133, A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF FRANKLIN AND WISCONSIN ELECTRIC POWER COMPANY, east of W. Forest Home Avenue and south of W. Rawson Avenue. Seconded by Alderman Skowronski. All voted Aye; motion carried. |
| RES. 2006-6134
REIMBURSEMENT-
WE ENERGIES-
W. RYAN ROAD | F-18. | Alderman Kosovich moved to adopt Resolution No. 2006-6134, A RESOLUTION FOR APPROVAL OF REIMBURSEMENT FOR REMOVAL COSTS TO WE ENERGIES FOR THE STREET LIGHTS ALONG W. RYAN ROAD. Seconded by Alderman Skowronski. All voted Aye; motion carried. |
| ORD. 2006-1882
NO PARKING-
S. 116TH STREET | F-19. | Alderman Skowronski moved to adopt Ordinance No. 2006-1882, ORDINANCE TO AMEND SECTION 245-5D OF THE MUNICIPAL CODE TO ESTABLISH NO PARKING ON S. 116TH STREET DURING CHURCH SERVICES. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| 2006 LOCAL ROAD
PROGRAM | F-20. | Alderman Kosovich moved to authorize the City Engineer to sign Change Order No. 1 with Black Diamond Group, Inc. for decrease of \$44,234.00, deleting S. 33rd Street from W. Central Avenue to W. Southwood Drive from the 2006 Local Road Program. Seconded by Alderman Hammelman. All voted Aye; motion carried. |

GIS SERVER REPLACEMENT	F-21.	Alderman Olson moved to approve replacement of the GIS server with the old GIS server becoming a new ARC IMS server and the old ARC IMS server becoming a test environment GIS server, for a cost not to exceed \$8,600. Funding of the replacement to come from delaying the installation of the gigabyte switches and router until 2007 and 2008. Seconded by Alderman Solomon. All voted Aye; motion carried.
BLOCK GRANT APPLICATION	F-22.	Alderman Olson moved to schedule a public hearing and consideration of grant applications for the 9/5/06 Common Council meeting for the 2007 Milwaukee County Community Development Block Grant (CDBG) Program. Seconded by Alderman Hammelman. All voted Aye; motion carried.
RES. 2006-6135 POLLING LOCATIONS	F-23.	Alderman Solomon moved to adopt Resolution No. 2006-6135, A RESOLUTION ESTABLISHING THE POLLING LOCATIONS FOR ALDERMANIC DISTRICT 3 AND ALDERMANIC DISTRICT 6 and that the appropriate changes be included in the City's insurance policy. Seconded by Alderman Skowronski. All voted Aye; motion carried.
RES. 2006-6136 ELECTIONS	F-24.	Alderman Solomon moved to adopt Resolution No. 2006-6136, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AND DELIVER AGREEMENTS FOR ELECTRONIC VOTING MACHINES AND RELATED SUPPORT SERVICES AS REQUIRED BY THE HELP AMERICA VOTE ACT OF 2002 AND AS APPROVED BY THE WISCONSIN STATE ELECTIONS BOARD with a delivery date of 9/01/06 be included. Seconded by Alderman Olson. All voted Aye; motion carried.
ORD. 2006-1883 ORDINANCES	F-25	Alderman Olson moved to adopt Ordinance No. 2006-1883 , AN ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE CITY OF FRANKLIN, WISCONSIN. Seconded by Alderman Hammelman. All voted Aye; motion carried.
W. RYAN ROAD SIDEWALKS	F-26a.	The public hearing for special assessments for installing sidewalks and street lights on W. Ryan Road from S. 27th Street to a point 1200 feet west of S. 60th Street took place on 7/10/06.
PARK IMPROVEMENTS	F-26b.	<p>Alderman Solomon moved to advertise for bids for 2006 park improvements at Ken Windl Park, 11615 W. Rawson Avenue, as presented at Committee of the Whole meeting on 7/10/06. Seconded by Alderman Skowronski. All voted Aye; motion carried.</p> <p>Alderman Olson moved to advertise for bids for 2006 park improvements at Christine Rathke Park, 7700 S. 68th Street, as presented at Committee of the Whole meeting on 7/10/06 and further that a letter be sent to Payne & Dolan informing them of the City's intent to proceed with improvements to this park (owned by Payne & Dolan and leased to the City). Seconded by Alderman Hammelman. All voted Aye; motion carried.</p>

PARK
IMPROVEMENTS-
CONTINUED

Alderman Kosovich moved to advertise for bids for 2006 park improvements at Franklin Woods Park, 3723 W. Puetz Road, as presented at Committee of the Whole meeting on 7/10/06. Seconded by Alderman Olson. All voted Aye; motion carried.

No action was taken at this time regarding Friendship Park or Cascade Creek Park.

CLOSED SESSION-
SAFETY RESPONSE
TASK FORCE

F-27.

Alderman Olson moved to enter closed session at 8:00 p.m. pursuant to §19.85(1)(g), Stats., to confer with the City Attorney, as legal counsel for the Common Council and the Community Safety Response Task Force, who is rendering advice concerning strategy to be adopted by the Council with respect to litigation upon matters involving the supervision, monitoring and notification of registered sex offenders necessary to protect the safety of the Community and additionally as required pursuant to law and the administration of the law, in which it is likely to become involved and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Hammelman. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 8:25 p.m.

Alderman Olson moved to authorize or allow for legal actions regarding the above matter, to include such requests for rulings as determined appropriate by the City Attorney and/or special counsel and also to authorize the Mayor or the Council President in the Mayor's absence to execute such requests as necessary. Seconded by Alderman Solomon. All voted Aye; motion carried.

CLOSED SESSION-
W. OAKWOOD
ROAD

F-28.

Alderman Skowronski moved to enter closed session at 8:30 p.m. pursuant to §19.85(1)(e), Stats. to consider the acquisition of properties by the City for public purposes for right-of-way for the reconstruction of W. Oakwood Road and the negotiation of the acquisition of such properties and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Hammelman. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 8:35 p.m.

Alderman Solomon moved that the Mayor and City Engineer negotiate with Milwaukee County for right-of-way on W. Oakwood Road and the storm water management policy as discussed in closed session. Seconded by Alderman Skowronski. All voted Aye; motion carried.

APPOINTMENT

G-1.

Alderman Olson moved to confirm the Mayoral appointment of Thomas R. Sawicki, term expires 4/20/08, to the Environmental Commission. Seconded by Alderman Kosovich. On roll call, all voted Aye. Motion carried.

LICENSES

H-1. Alderman Hammelman moved to grant the following licenses subject to meeting all licensing requirements:

Class B Combination to M & W Leung, LLC, d/b/a Green Tea Garden, Gene Fay Leung, Agent, 7236 S. 27th Street subject to contract and satisfactory inspections;

Operator License to Joshua A. Baier, 34 Union Street, Hartford with warning letter from City Clerk; Elaine M. Diehl, 26532 Lilac Lane #7, Windlake; Brian J. Micech, 117 W. Walker Street, Milwaukee with warning letter from City Clerk; Mario J. Mussatti, 8333 S. 76th Street with warning letter from City Clerk; Cynthia M. Rivette, 3740 S. Rivershire Dr. #2, Greenfield with warning letter from City Clerk; Dawn M. Berndt, 12320 W. Oakwood Road; April H. Burden, 3464 S. 81st Street, Milwaukee; Michael D. Falk, 10440 W. Scharles Avenue, Hales Corners and Patrick K. McHugh, 4595 S. 116th Street, Greenfield;

Day Care license to Faith Academy, Dr. Arduth K. Johnson, Pastor, 7700 W. Faith Drive and Knowledge Learning Corp., d/b/a Children's World of Learning, Tammy Wimer, Mgr., 6350 S. 108th Street subject to satisfactory inspection;

Entertainment & Amusement to Innovative Health & Fitness, Tim Beyer, Manager, 8800 S. 102nd Street;

Fee waiver to Tripoli Temple Provost Unit, Otto E. Rocker for temporary food license and zoning compliance permit for videlia onion sale at Wal-Mart;

and also moved to hold Operator License for Trey R. Summers, 718 W. Grange Avenue and Frank J. Dobran, 8320 W. Ryan Road subject to appearing before the License Committee. Seconded by Alderman Solomon. All voted Aye; motion carried.

BILLS

I-1. Alderman Solomon moved to approve net City vouchers in the range of Nos. 116493 thru 116772 in the amount of \$1,218,190.21. Seconded by Alderman Kosovich. On roll call, all voted Aye. Motion carried.

Alderman Olson moved to approve net payroll of June 23, 2006 in the amount of \$308,273.68. Seconded by Alderman Skowronski. On roll call, all voted Aye. Motion carried.

Alderman Kosovich moved to approve net payroll of July 7, 2006 in the amount of \$314,493.43. Seconded by Alderman Hammelman. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Hammelman moved to adjourn the meeting at 8:31 p.m. Seconded by Alderman Solomon. All voted Aye; motion carried.